

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GEORGE HASTINGS,)	
)	Civil Action No. 11 – 93J
Plaintiff,)	
)	District Judge Kim R. Gibson
v.)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
MS. SHINIG SMEAL, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

On April 14, 2011, a motion for leave to proceed *in forma pauperis* was filed in the above captioned case. (ECF No. 1). The motion was granted (ECF No. 2) and Plaintiff's Complaint was filed that same day (ECF No. 3). This case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court for Magistrates.

Plaintiff filed an Amended Complaint on July 18, 2011. (ECF No. 33.) On July 25, 2011, Defendants Smeal, Moore, Montgomery, Turner, Burns, Pleacher, Paul, Heide, Cree, Upton, and Bennits (collectively, "DOC Defendants") filed a Motion to Dismiss Plaintiff's Amended Complaint. (ECF No. 38.) On August 5, 2011, Defendant Karamudi filed a Motion to Dismiss, or in the alternative, Motion for Summary Judgment. (ECF No. 40.)

On January 19, 2012, the magistrate judge entered a Report and Recommendation recommending that Defendants' Motions to Dismiss be granted and that Plaintiff's claims be dismissed with prejudice. (ECF No. 52.) The magistrate judge further recommended that

Defendant Karamudi's motion for summary judgment in the alternative be denied as moot. (ECF No. 52.) Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until February 28, 2012, to file written objections. No objections were filed to the Report.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

AND NOW, this 9th day of March, 2012,

IT IS HEREBY ORDERED that the DOC Defendants' Motion to Dismiss (ECF No. 38) is **GRANTED**.

IT IS FURTHER ORDERED that the Motion to Dismiss, or in the alternative, Motion for Summary Judgment filed by Defendant Karamudi (ECF No. 40) is treated solely as a Motion to Dismiss and is **GRANTED**. The motion for summary judgment in the alternative is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 52) dated January 19, 2012, is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

A handwritten signature in black ink, appearing to read 'Kim R. Gibson', written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: George Hastings
1807 A Chichester Avenue
Boothwyn, PA 19061

Counsel of Record